



City and County of San Francisco
London Breed
Mayor

San Francisco Department of Public Health

Grant Colfax, MD
Director of Health

San Francisco Health Network - Ambulatory Care

Memorandum

DATE: September 14, 2021

TO: Dan Bernal, President, San Francisco Health Commission and
Members of the Health Commission

FROM: Hali Hammer, MD, Director of Ambulatory Care
Bill Blum, MSW, Director of Programs, Primary Care
Beth Neary, PhD, Health Care for the Homeless Program Director

RE: Health Care for the Homeless Governance Structure

San Francisco Department of Public Health's (SFDPH) primary care, urgent care, and non-traditional clinical sites derive Federally Qualified Health Center (FQHC) status through participation in the Health Care for the Homeless (HCH) federal grant program administered locally by the San Francisco Community Clinic Consortium (SFCCC). Under this structure, the City is the subrecipient of SFCCC, and federal compliance audits are through the grant recipient, SFCCC. The HCH grant has specific federal governance requirements that ensure strong patient oversight of health center administration and grant-funded services.

For many years SFDPH met the federal HCH governance requirements through a combination of the Health Commission oversight and providing narrative descriptions of the patient advisory councils and patient survey processes that bring patient input into individual and collective health center administration decisions. The release of a new federal Health Center Program Compliance Manual in 2017, and subsequent updates and site monitoring tool releases, added specificity to the governance requirements.

A recent audit by the grant funder, Health Resources and Services Administration (HRSA), highlighted that SFDPH's HCH governance structure does not meet two specific HRSA requirements to receive the HCH grant funds. First, Federally Qualified Health Center boards must be 9 to 25 members. Second, Mayoral appointment of Health Commissioners does not align with the HRSA requirement that the "board member selection and removal process does not permit any other entity, committee or individual (other than the board) to select either the board chair or the majority of health center board members, including a majority of the non-patient board members."

As a public entity, SFDPH and the Health Commission have the option to create a Co-Applicant Board to meet the governance requirements for this grant in collaboration with the Health Commission and the Director of Health, in conformance with the structure of City government. SFDPH and the Office of the City Attorney worked with SFCCC and their expert legal counsel to prepare a proposal for the Health Commission to create a San Francisco Health Care for the Homeless Co-Applicant Board (SFCAB). This new HCH Co-Applicant Board, if enacted, would provide focused oversight over the outpatient Health Care for the Homeless program.

Compliance Issue and Corrective Action Timeline

On February 25, 2021, SFCCC notified SFDPH of a potential compliance issue regarding the City's HCH board composition identified by an auditor from HRSA during a virtual Operational Site Visit (OSV). The auditor noted that the Health Commission, as a seven-member body, is not in compliance with the Health Center Compliance Manual released in August 2017 that requires governing boards to be between 9 and 25 members. The auditor planned to follow up with HRSA administration to request guidance before finalizing the compliance finding.

On July 7, 2021, SFCCC informed SFDPH that, in response to the OSV, HRSA issued a Notice of Award adding a Program Specific Condition to the Health Care for the Homeless grant. In the description of the compliance finding, HRSA noted that SFCCC had 90 days to work with SFDPH to demonstrate SFDPH's HCH board structure compliance.

Since first notified of the likely finding of non-compliance in February, SFDPH and the Office of the City Attorney have been working to develop a corrective action plan that harmonizes the federal requirements with the San Francisco City Charter and Municipal Code requirements regarding Health Commission and SFDPH administration legal structure and authorities.

By October 5, 2021, SFCCC will need to update HRSA on progress to resolve this compliance question. HRSA will either accept the plan as submitted and reinstate compliance, request changes to the plan, or reject the plan and move us into a next phase of compliance which begins to impose additional conditions on the award.

Proposed Resolution to Demonstrate Compliance

SFDPH requests that the Health Commission establish a Health Care for the Homeless Co-Applicant Board representative of patients served and interested community members to provide oversight of the HCH Program in accordance with the City Charter, Municipal Code and the federal laws and requirements governing the HCH Program. The proposed Health Commission Resolution, CAB Agreement, and CAB Bylaws jointly developed and approved by the City Attorney and SFDPH provide further detail on how the CAB would function if approved by the Health Commission.